IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS AND INTERFERENCES
(Attorney Docket No. 14189US02)

In the Application of:	)	
	)	
Richard Martin	)	**Electronically filed: May 24, 2010**
	)	
Serial No. 10/658,450	)	
	)	
Filed: September 9, 2003	)	
	)	
For: System and Method for Access Point (AP) Aggregation and Resiliency in a Hybrid Wired/Wireless Local Area Network	)	
	)	
Examiner: Kim, Wesley Leo	)	
	)	
Group Art Unit: 2617	)	
	)	
Confirmation No. 4742	)	

APPEAL BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Appellant respectfully requests that the Board of Patent Appeals and Interferences reverse the final rejection of claims 1-28 of the present application. This Appeal Brief is timely because it is being filed within one month of the April 23, 2010 mailing date of the Notice of Panel Decision from Pre-Appeal Brief Review; and since April 23, 2010 falls on a Sunday, the Appeal Brief is due on Monday, May 24, 2010.

REAL PARTY IN INTEREST
(37 C.F.R. § 41.37(c)(1)(i))

The real party in interest is Broadcom Corporation, a corporation organized under the laws of the state of California, having a place of business at 5300 California Avenue, Irvine, California 92617, which has acquired the entire right, title and interest in and to the invention, the application, and any and all patents to be obtained therefor, as set forth in the Assignment recorded at Reel 014225, Frame 0162 in the PTO Assignment Search room.

RELATED APPEALS AND INTERFERENCES
(37 C.F.R. § 41.37(c)(1)(ii))

The Appellant is unaware of any related appeals or interferences.

STATUS OF THE CLAIMS
(37 C.F.R. § 41.37(c)(1)(iii))

The present application includes pending claims 1-28, all of which have been rejected. The Appellant identifies claims 1-28 as the claims that are being appealed. The text of the pending claims is provided in the Claims Appendix.

STATUS OF AMENDMENTS
(37 C.F.R. § 41.37(c)(1)(iv))

Subsequent to the Final Office Action mailed December 3, 2009 ("Final Office Action" or "Final OA"), the Appellant filed a Pre-Appeal Brief Request for Review on March 23, 2010. No claims were amended subsequent to issuance of the Final Office Action.

SUMMARY OF CLAIMED SUBJECT MATTER
(37 C.F.R. § 41.37(c)(1)(v))

Independent Claims

1. A method for access point aggregation and resiliency in a hybrid wired/wireless local area network, the method comprising:

determining,[1] based on at least bandwidth-related information, at least one available switch port[2] on a network switch,[3] for handling a first access point group,[4] wherein said first access point group is communicatively coupled to a first default switch port[5] of said network switch, and wherein said first default switch port is different from said at least one available switch port;[6]

provisioning[7] said at least one available switch port of said network switch to provide service to said first access point group; and

communicating[8] information using at least one of said first default switch port and said at least one provisioned switch port of said network switch.

9. A machine-readable storage, having stored thereon a computer program having at least one code section for access point aggregation and resiliency in a hybrid wired/wireless local area network, the at least one code section executable by a machine for causing the machine to perform the steps comprising:[9]

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[1] *See, e.g.,* Application, pp. 28-29, ¶ 82, lines 3-4 and lines 9-11; *see also id.*, p. 26, ¶ 74, lines 1-2; *see also id.*, p. 15, ¶ 47, lines 1-15.

[2] *See, e.g., id.*, Fig. 7, refs. 722 and 744; *see also id.*, p. 25, ¶ 69, lines 4-7.

[3] *See, e.g., id.*, Fig. 7, ref. 716.

[4] *See, e.g., id.*, Fig. 7, ref. 712; *see also id.*, p. 24, ¶ 0068, lines 8-9.

[5] *See, e.g., id.*, Fig. 7, refs. 702 and 704; *see also id.*, p. 24, ¶ 0068, lines 2-5; *see also id.*, p. 25, ¶ 0069, lines 1-3.

[6] *See, e.g., id.,* Fig. 7, refs. 704 and 744; *see also id.*, p. 25, ¶ 69, lines 1-7.

[7] *See, e.g., id.*, pp. 28-29, ¶ 82, lines 5-6; *see also id.*, p. 25, ¶ 69, lines 4-7; *see also id.*, p. 26, ¶ 74, lines 2-4 and 6-9.

[8] *See, e.g., id.,* pp. 28-29, ¶ 82, lines 7-9; *see also id.*, p. 26, ¶ 74, lines 4-6.

[9] *See, e.g., id.*, p. 9, ¶ 23, lines 1-6.

determining,[10] based on at least bandwidth-related information, at least one available switch port[11] on a network switch,[12] for handling a first access point group,[13] wherein said first access point group is communicatively coupled to a first default switch port[14] of said network switch, and wherein said first default switch port is different from said at least one available switch port;[15]

provisioning[16] said at least one available switch port of said network switch to provide service to said first access point group; and

communicating[17] information using at least one of said first default switch port and said at least one provisioned switch port of said network switch.

17. A system for access point aggregation and resiliency in a hybrid wired/wireless local area network, the system comprising:

at least one processor[18] operable to determine,[19] based on at least bandwidth-related information, at least one available switch port[20] on a network switch,[21] for handling a first access point group,[22] wherein said first access point group is

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[10] *See, e.g., id.,* pp. 28-29, ¶ 82, lines 3-4 and lines 9-11; *see also id.*, p. 26, ¶ 74, lines 1-2; *see also id.*, p. 15, ¶ 47, lines 1-15.

[11] *See, e.g., id.*, Fig. 7, refs. 722 and 744; *see also id.*, p. 25, ¶ 69, lines 4-7.

[12] *See, e.g., id.*, Fig. 7, ref. 716.

[13] *See, e.g., id.*, Fig. 7, ref. 712; *see also id.*, p. 24, ¶ 0068, lines 8-9.

[14] *See, e.g., id.*, Fig. 7, refs. 702 and 704; *see also id.* p. 24, ¶ 0068, lines 2-5; *see also id.*, p. 25, ¶ 0069, lines 1-3.

[15] *See, e.g., id.,* Fig. 7, refs. 704 and 744; *see also id.*, p. 25, ¶ 69, lines 1-7.

[16] *See, e.g., id.*, pp. 28-29, ¶ 82, lines 5-6; *see also id.*, p. 25, ¶ 69, lines 4-7; *see also id.*, p. 26, ¶ 74, lines 2-4 and 6-9.

[17] *See, e.g., id.,* pp. 28-29, ¶ 82, lines 7-9; *see also id.*, p. 26, ¶ 74, lines 4-6.

[18] *See, e.g., id.,* Fig. 8, ref. 810.

[19] *See, e.g., id.*, pp. 28-29, ¶ 82, lines 3-4 and lines 9-11; *see also id.*, p. 26, ¶ 74, lines 1-2; *see also id.*, p. 15, ¶ 47, lines 1-15.

[20] *See, e.g., id.*, Fig. 7, refs. 722 and 744; *see also id.*, p. 25, ¶ 69, lines 4-7.

[21] *See, e.g., id.*, Fig. 7, ref. 716.

[22] *See, e.g., id.*, Fig. 7, ref. 712; *see also id.*, p. 24, ¶ 0068, lines 8-9.

communicatively coupled to a first default switch port[23] of said network switch, and wherein said first default switch port is different from said at least one available switch port;[24]

said at least one processor operable to provision said at least one available switch port of said network switch to provide service to said first access point group;[25] and

said at least one processor operable to communicate information using at least one of said first default switch port and said at least one provisioned switch port of said network switch.[26]

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL (37 C.F.R. § 41.37(c)(1)(vi))

Claims 1-28 stand rejected under 35 U.S.C., § 103(a) as being unpatentable over U.S. 6,032,194 (Gai) in view of U.S. Pub. 2002-0085495 (Jefferies) and U.S. 6,005,844 (Cook).

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[23] *See, e.g., id.*, Fig. 7, refs. 702 and 704; *see also id.,* p. 24, ¶ 0068, lines 2-5; *see also id.*, p. 25, ¶ 0069, lines 1-3.

[24] *See, e.g., id.,* Fig. 7, refs. 704 and 744; *see also id.*, p. 25, ¶ 69, lines 1-7.

[25] *See, e.g., id.*, pp. 28-29, ¶ 82, lines 5-6; *see also id.*, p. 25, ¶ 69, lines 4-7; *see also id.*, p. 26, ¶ 74, lines 2-4 and 6-9.

[26] *See, e.g., id.,* pp. 28-29, ¶ 82, lines 7-9; *see also id.*, p. 26, ¶ 74, lines 4-6.

ARGUMENT
(37 C.F.R. § 41.37(c)(1)(vii))

I. CLAIMS 1-28 ARE PATENTABLE OVER THE PROPOSED COMBINATION OF GAI IN COMBINATION WITH JEFFERIES AND COOK (THE "PROPOSED COMBINATION")

A. Independent Claims 1, 9 and 17

In rejecting these claims, the Examiner states the following:

> **Regarding Claims 1, 9, and 17**, Gai teaches determining based on lowest cost path related information (Col.2:lines 53-56 and Col.4:lines 1-6, the next best information is obviously the next lowest cost path), at least one available switch port on a network switch (Fig.1:114 and Col.7:lines 53-55, switch) for handling a LAN (Col.4:lines 10-15), said LAN is communicatively coupled to a first default switch port of said network switch (Col.11:lines 8-15 and Col.5:lines 20-24 and Fig.1:102, 103, 104, LANs are connected to ports); wherein said first default switch port (Col.2:lines 53-56) is different from said at least one available switch port (Col.4:lines 1-10, default port is different from new root port, i.e. available switch port); provisioning said at least one available switch port of said network switch to provide service to said LAN (Col.12:lines 19-27 and Col.5:lines 44-47, the new root port is the at least one available switch port providing service to said LAN); and communicating information using at least one of said first default switch port and said at least one provisioned switch port of said network switch (Col.12:lines 19-27 and Col.5:lines 44-47. the new root port is the at least one available switch port) . . . .

(Final OA, p. 4 (emphasis in original).) Accordingly, the Examiner relies on Gai's Fig. 1, and apparently equates Gai's access switch 114, root port (e.g., port number 3 of switch 114), and back-up port (e.g., port numbers 2 or 4 of switch 114) as the claimed "network switch," "first default switch port," and "at least one available switch port," respectively.

1. The Proposed Combination Fails Disclose and/or Enable "Determining, Based On At Least Bandwidth-related Information, At Least One Available Switch Port

The independent claims are patentable because the proposed combination fails to provide an enabling disclosure of "**determining, based on at least bandwidth-related information, at least one <u>available</u> switch port** on a network switch, for handling a first access point group."[27]

As an initial matter, Gai discloses that the back-up port is selecting this ports based on "cost."

> FIG. 3D is a flow diagram of a rapid reconfiguration process 340 following a link failure according to the present invention. In response to the detection of a failure at port number three (the root port), indicated at block 342, rapid reconfiguration entity 234 at switch 214 selects a backup port to become the new root port, as shown at box 344. **Rapid reconfiguration entity 234 may use the spanning tree algorithm to select the next root port. That is, the blocked trunk port 119 (e.g., port number four) representing the next lowest root path cost (after the now failed root port) may be selected as the new forwarding port by entity 234**. Self-looping ports, such as port numbers five and six at switch 114 are not considered possible back-up ports, even though at least one of these ports will be in the blocked state, since these ports will not provide connectivity to the root.

(Gai, 12:13-31.) As recognized by the Examiner, however, Gai does not disclose or suggest that "cost" is bandwidth-related information. (*See* Final OA, p. 4.) Instead, Gai indicates that "cost" is a measure of the distance from the port to the root, i.e., the number of hops.

> Each switch within the network also selects one port, known as its "root port" which gives the **lowest cost path** (**e.g., the fewest number of hops, assuming all links have the same**

[27] Emphasis added except where noted otherwise.

> **cos**t**) from the switch to the root.** The root ports and designated switch ports are selected for inclusion in the spanning tree and are placed in a forwarding state so that data frames may be forwarded to and from these ports and thus onto the corresponding paths or links. Ports not included within the spanning tree are placed in a blocked state. When a port is in the blocked state, data frames will not be forwarded to or received from the port. At the root, all ports are designated ports and are therefore placed in the forwarding state, except for some self-looping ports, if any. A self-looping port is a port coupled to another port at the same switch.

(Gai, 2:53-67; *compare id.,* 47-52 ("designated switch" for a given LAN is typically selected based on proximity to root.) To make up for this deficiency in Gai, the Examiner proposes combining Gai with Jefferies. However, as discussed below, the Appellant respectfully submits that this combination is improper because Gai fails to enable selecting a back-up switch based on cost.

Specifically, Gai discloses entering an Enable__Uplinkfast command into the switch 114 to prevent this switch from becoming the root.

> Turning next to FIG. 3C, an Enable__Uplinkfast command 330 is preferably entered at each access switch 114-116 within the network 100, as shown at block 332. This command 330, at block 334, preferably increases the respective switch ID of each of the access switches 114-116 to preclude any of the access switches 114-116 from becoming the root. Specifically, the Enable__Uplinkfast command 330 preferably increases the settable portion of the switch ID stored at respective memory 240 from the IEEE default value of "32768" to "49152".

(Gai, 9:49-58.) Gai goes on to describe how the Enable__Uplinkfast command also apparently causes all of the ports in switch 114, i.e., ports 1-8, to have the same "cost."

> At block 336, the Enable__Uplinkfast command 330 also **significantly increases the path costs of all the ports of the respective access switch**. For example, the path costs stored at memory 240 for each port are preferably increased

> from the IEEE default value of "10" (for 100 Mbps ports) to "3000". The Enable_Uplinkfast command 330, at block 338, also configures rapid reconfiguration entity 234 to rapidly transition a blocked port to the forwarding state and to generate and transmit dummy multicast messages, as described below.

(*Id.*, 9:49-63.) As such, it is unclear how Gai is able to select a back-up port based on cost (see Gai, 21-23) given that the Enable__Uplinkfast command causes all of the ports in the switch 114 to have the same cost.

Thus for the reasons set forth above independent claims 1, 9, and 17 are patentable over Gai, Jefferies and Cook. Accordingly, the Appellant requests that the Board withdraw the rejection of these claims.

2. The Proposed Combination Fails To Disclose Or Suggest "Said First Access Point Group Is Communicatively Coupled To A First Default Switch Port Of Said Network Switch"

The independent claims are also patentable because the proposed combination fails to disclose or suggest "said **first access point group** is communicatively **coupled to** a **first default switch port** of said network switch." As discussed above, the Examiner equates Gai's root port (e.g., port number 3 of switch 114) to the claimed "first default switch." As an initial matter, neither Gai nor Jefferies disclose an "access point group." Gai, in particular, merely discloses that a single LAN is coupled to any given port of a switch 114. (*See, e.g.*, Gai, Fig. 1 (LAN 103 coupled to port 7.) To address this deficiency in the combination of Gai and Jefferies, the Examiner proposes combining these references with Cook.

> Cook teaches that a group of access points can provide service to remote users via a LAN (Col.3:37-46, one or more access points is the group). Therefore, it would have been

> obvious to a skilled artisan to modify the teachings of Gai and Jeffries with the teachings of Cook, such that one available switch port has a capability to handle a first access point group to provide a hybrid wired/wireless network. This provides a method where group of access points connected to a LAN (the LAN is obviously connected to an available switch port as can be seen by Gai) can provide extended coverage of the communication system.

(Final OA, p. 5.)

Even accepting the Examiner's position as true (which the Appellant does not concede), the resulting combination is still deficient. Specifically, referring to Gai's Fig. 1, the LAN 103 (i.e., allegedly handling "the first access point group") is connected to port 7. It is not "coupled to" the root port 3 (the alleged "first default switch port"). In other words, Gai does not disclose or suggest that the LAN 103 (i.e., allegedly handling "the first access point group") is connected to (allegedly "communicatively coupled to") the root port 3 (the alleged "first default switch port"). The remaining references, do not overcome this deficiency of Gai. Hence, claims 1, 9 and 17 are patentable at least because the proposed combination fails to disclose or suggest that "said **first access point group** is communicatively **coupled** to a **first default switch port** of said network switch . . . ."

According to the Examiner "communicatively coupled to" as recited in the claims may be broadly interpreted as "all of Gai's LANs are communicatively coupled to the alleged "first default switch port" (i.e., port 3). (See Final OA, p. 3.) The Examiner relies for support on the following citation of Gai:

> Significantly, for each access switch 114-116, only one port (local or trunk) that represents a path from the access switch to the root (i.e., provides connectivity to the root through links, shared media, switches, etc.) will be forwarding. All other ports (local or trunk) that represent paths from the access switch to

> the root will be blocked. In other words, only one port at each access switch 114-116 that provides connectivity to the root will be forwarding.

(See Gai 11:8-15. **Gai discloses that the root port 3 (i.e., the alleged "first default switch port") is the only port that forwards and connects to the root, i.e., the backbone switches 122-125**. (See Gai, 8:57-62.) Gai clearly does not disclose or suggest that the root port 3 connects or couples to the LAN 102, as alleged by the Examiner. In this regard, Gai's above citation contradicts the Examiner's argument that Gai discloses or suggests "**said first access point group is communicatively coupled to a first default switch port of said network switch**," as required by the Appellant's claims.

Additionally, as noted above, the Examiner concedes that the combination of Gai and Jefferies does not disclose an "access point group." The Examiner relies on the following passage of Cook in an attempt to address this deficiency.

> In the past, the requirements for communicating with both fixed and remote terminal sites have been addressed by a wireless data communications system having **one or more access points connected to a host computer via a local area network (LAN)**.
>
> The conventional wireless data communications system is characterized by **one or more access points**, commonly known as base stations, **communicating via a wireless communications link with remote terminals and with a host computer via a LAN**.

(*See* Cook, 3:37-46 (emphasis added).) Thus, Cook discloses that the access points (the alleged first access point group) are connected to a host computer via a LAN. Cook, however does not disclose or suggest that the "first access point group is

communicatively coupled to a first default switch port of said network switch," as recited in claim 1.

Thus for the reasons set forth above independent claims 1, 9, and 17 are patentable over Gai, Jefferies and Cook. Accordingly, the Appellant requests that the Board withdraw the rejection of these claims.

B. Rejection of Dependent Claims 2, 10, and 17

Claims 2, 10, and 17 depend on independent claims 1, 9, and 17, respectively. Therefore, claims 2, 10, and 17 are allowable over the cited references at least for the reasons stated above with regard to claims 1, 9, and 17.

The Appellant reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 2, 10, and 17.

C. Rejection of Dependent Claims 3, 11, and 18

Claims 3, 11, and 18 depend on independent claims 1, 9, and 17, respectively. Therefore, claims 3, 11, and 18 are allowable over the cited references at least for the reasons stated above with regard to claims 1, 9, and 17.

The Appellant reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 3, 11, and 18.

D. Rejection of Dependent Claims 4, 12 and 20

Claims 4, 12, and 20 depend on independent claims 1, 9, and 17, respectively. Therefore, claims 4, 12, and 20 are allowable over the cited references at least for the reasons stated above with regard to claims 1, 9, and 17.

The Appellant reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 4, 12, and 20.

E. Rejection of Dependent Claims 5, 13, and 21

Claims 5, 13, and 21 depend on independent claims 1, 9, and 17, respectively. Therefore, claims 5, 13, and 21 are allowable over the cited references at least for the reasons stated above with regard to claims 1, 9, and 17.

In addition, the proposed combination fails to disclose or suggest at least the limitation of "wherein said **second access point group** is communicatively **coupled to a second default switch port** of said network switch . . . ," as recited in claims 5, 13, and 21. As discussed above, the Examiner equates Gai's root port (e.g., port number 3 of switch 114) to the claimed "first default switch port" and Gai's back-up port (e.g., port numbers 2 or 4 of switch 114) to the claimed "at least one available switch port." However, Gai makes it clear that for a given network switch, only one port can function as the root port at any given time.

> **Each switch within the network also selects one port, known as its "root port"** which gives the lowest cost path (e.g., the fewest number of hops, assuming all links have the same cost) from the switch to the root. The root ports and designated switch ports are selected for inclusion in the spanning tree and are placed in a forwarding state so that data frames may be forwarded to and from these ports and thus onto the corresponding paths or links. **Ports not included within the spanning tree are placed in a blocked state. When a port is in the blocked state, data frames will not be forwarded to or received from the port.** At the root, all ports are designated ports and are therefore placed in the forwarding state, except for some self-looping ports, if any. A self-looping port is a port coupled to another port at the same switch.

(Gai, 2:57-67.) As Gai's switch 114 (allegedly the claimed "network switch") can only have one root port (allegedly the claimed "default switch port") at any given time, Gai's switch necessarily cannot have both a first default switch and a second default switch.

Accordingly, claims 5, 13, and 21 are allowable over Arthurs and Sawey at least for the above reasons. The Appellant reserves the right to argue additional reasons beyond those set forth above to support the allowability of these claims.

F. Rejection of Dependent Claims 6, 14, and 22

Claims 6, 14, and 22 depend respectively on claims 5, 13, and 22, which in turn depends respectively on independent claims 1, 9, and 17. Therefore, claims 6, 14, and 22 are allowable over the cited references at least for the reasons stated above with regard to claims 1, 9, and 17 and claims 6, 14 and 22.

In addition, the combination of references cited in the Final Office Action fails to disclose or suggest at least the limitation of "provisioning at least a third available switch port of said network switch to provide service to said second access point group," as recited in claims 6, 14, and 22. The Examiner equates the back-up ports of switch 114 to the claimed "available switch port." However, as discussed above in connection with claim 5, only one port in Gai's switch can function as the root port at any given time. All other potential root ports, e.g., back up port numbers 2 and 4, are blocked until one of them is reconfigured as the new root port, e.g., when the original root port 3 fails. Hence, because Gai only has one functioning root port at a given time, it cannot disclose both "provisioning said at least one available switch port of said network switch to provide service to said first access point group" and "provisioning at least a third

available switch port of said network switch to provide service to said second access point group," as required by claims 6, 14 and 22.

Accordingly, claims 6, 14, and 22 are allowable over Arthurs and Sawey at least for the above reasons. The Appellant reserves the right to argue additional reasons beyond those set forth above to support the allowability of these claims.

G. Rejection of Dependent Claims 7, 15, and 23

Claims 7, 15, and 23 depend respectively on claims 6, 14 and 22, which in turn depend respectively on claims 5, 13, and 21, which in turn depends respectively on independent claims 1, 9, and 17. Therefore, claims 7, 15, and 23 are allowable over the cited references at least for the reasons stated above with regard to claims from which they depend.

The Appellant reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 7, 15, and 23.

H. Rejection of Dependent Claims 8, 16, and 24

Claims 8, 16, and 24 depend on independent claims 1, 9, and 17, respectively. Therefore, claims 8, 16, and 24 are allowable over the cited references at least for the reasons stated above with regard to claims 1, 9, and 17.

The Appellant reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 8, 16, and 24.

I. Rejection of Dependent Claims 26, 27 and 28

Claims 26, 27 and 28 depend on independent claims 1, 9, and 17, respectively. Therefore, claims 26, 27, and 28 are allowable over the cited references at least for the reasons stated above with regard to claims 1, 9 and 17.

The Appellant reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 26, 27 and 28.

II. CONCLUSION

The Appellant submits that the pending claims of the present application should be in condition for allowance for at least the reasons discussed above, and request reconsideration of the claim rejections. The Commissioner is authorized to charge the fee for this Appeal Brief ($540), and any additional fees or credit overpayment to Deposit Account 13-0017.

Respectfully submitted,

Date: May 24, 2010

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CLAIMS APPENDIX
(37 C.F.R. § 41.37(c)(1)(viii))

1. A method for access point aggregation and resiliency in a hybrid wired/wireless local area network, the method comprising:

determining, based on at least bandwidth-related information, at least one available switch port on a network switch, for handling a first access point group, wherein said first access point group is communicatively coupled to a first default switch port of said network switch, and wherein said first default switch port is different from said at least one available switch port;

provisioning said at least one available switch port of said network switch to provide service to said first access point group; and

communicating information using at least one of said first default switch port and said at least one provisioned switch port of said network switch.

2. The method according to claim 1, wherein said determining comprises selecting said at least one available switch port from a reserved pool of available switch ports of said network switch.

3. The method according to claim 2, comprising returning said selected at least one available switch port to said reserved pool of available switch ports upon abatement of a need to utilize said provisioned at least one available switch port of said network switch.

4. The method according to claim 1, comprising selecting said at least one available switch port of said network switch from at least one of a first switching element and a second switching element, said first default switch port being associated with said first switching element.

5. The method according to claim 1, comprising determining at least a second available switch port of said network switch for handling a second access point group, wherein said second access point group is communicatively coupled to a second default switch port of said network switch, and wherein said second default switch port is different from said at least a second available switch port.

6. The method according to claim 5, comprising provisioning at least a third available switch port of said network switch to provide service to said second access point group.

7. The method according to claim 6, comprising switching between any two of said at least one available switch port, said at least a second available switch port and said at least a third available switch port of said network switch.

8. The method according to claim 1, comprising switching between said default switch port and said at least one available switch port of said network switch in a time period less than on the order of a few milliseconds from at least one of a detectable link failure and a configuration change.

9. A machine-readable storage, having stored thereon a computer program having at least one code section for access point aggregation and resiliency in a hybrid wired/wireless local area network, the at least one code section executable by a machine for causing the machine to perform the steps comprising:

determining, based on at least bandwidth-related information, at least one available switch port on a network switch, for handling a first access point group, wherein said first access point group is communicatively coupled to a first default switch port of said network switch, and wherein said first default switch port is different from said at least one available switch port;

provisioning said at least one available switch port of said network switch to provide service to said first access point group; and

communicating information using at least one of said first default switch port and said at least one provisioned switch port of said network switch.

10. The machine-readable storage according to claim 9, wherein said at least one code section comprises code for selecting said at least one available switch port from a reserved pool of available switch ports of said network switch.

11. The machine-readable storage according to claim 10, wherein said at least one code section comprises code for returning said selected at least one available switch port to said reserved pool of available switch ports upon abatement of a need to utilize said provisioned at least one available switch port of said network switch.

12. The machine-readable storage according to claim 9, wherein said at least one code section comprises code for selecting said at least one available switch port of said network switch from at least one of a first switching element and a second switching element, said first default switch port being associated with said first switching element.

13. The machine-readable storage according to claim 9, wherein said at least one code section comprises code for determining at least a second available switch port of said network switch for handling a second access point group, wherein said second access point group is communicatively coupled to a second default switch port of said network switch, and wherein said second default switch port is different from said at least a second available switch port.

14. The machine-readable storage according to claim 13, wherein said at least one code section comprises code for provisioning at least a third available switch port of said network switch to provide service to said second access point group.

15. The machine-readable storage according to claim 14, wherein said at least one code section comprises code for switching between any two of said at least one available switch port, said at least a second available switch port and said at least a third available switch port of said network switch.

16. The machine-readable storage according to claim 9, wherein said at least one code section comprises code for switching between said default switch port and said at least one available switch port of said network switch in a time period less than on the order of a few milliseconds from at least one of a detectable link failure and a configuration change.

17. A system for access point aggregation and resiliency in a hybrid wired/wireless local area network, the system comprising:

at least one processor operable to determine, based on at least bandwidth-related information, at least one available switch port on a network switch, for handling a first access point group, wherein said first access point group is communicatively coupled to a first default switch port of said network switch, and wherein said first default switch port is different from said at least one available switch port;

said at least one processor operable to provision said at least one available switch port of said network switch to provide service to said first access point group; and

said at least one processor operable to communicate information using at least one of said first default switch port and said at least one provisioned switch port of said network switch.

18. The system according to claim 17, wherein said at least one processor is operable to select said at least one available switch port from a reserved pool of available switch ports of said network switch.

19. The system according to claim 18, wherein said at least one processor is operable to return said selected at least one available switch port to said reserved pool of available switch ports upon abatement of a need to utilize said provisioned at least one available switch port of said network switch.

20. The system according to claim 17, wherein said at least one processor is operable to select said at least one available switch port of said network switch from at least one of a first switching element and a second switching element, said first default switch port being associated with said first switching element.

21. The system according to claim 17, wherein said at least one processor is operable to determine at least a second available switch port of said network switch handling a second access point group, wherein said second access point group is communicatively coupled to a second default switch port of said network switch, and wherein said second default switch port is different from said at least a second available switch port.

22. The system according to claim 21, wherein said at least one processor is operable to provision at least a third available switch port of said network switch to provide service to said second access point group.

23. The system according to claim 22, wherein said at least one processor is operable to switch between any two of said at least one available switch port, said at

least a second available switch port and said at least a third available switch port of said network switch.

24. The system according to claim 17, wherein said at least one processor is operable to switch between said default switch port and said at least one available switch port of said network switch in a time period less than on the order of a few milliseconds from at least one of a detectable link failure and a configuration change.

25. The system according to claim 17, wherein said at least one processor is at least one of a switch processor, a bandwidth management controller, a quality of service controller, a load balancing controller, a session controller and a network management controller.

26. The method according to claim 1, wherein said bandwidth-related information comprises one or more of Quality of Service (QoS) information, bandwidth policing information, bandwidth management information, load balancing information, roaming information, handover information, access point coordination information, switch coordination information, channel capacity information, throughput information, access priority information, packet processing information, and/or queuing information.

27. The machine-readable storage according to claim 9, wherein said bandwidth-related information comprises one or more of Quality of Service (QoS) information, bandwidth policing information, bandwidth management information, load balancing information, roaming information, handover information, access point coordination information, switch coordination information, channel capacity information, throughput information, access priority information, packet processing information, and/or queuing information.

28. The system according to claim 17, wherein said bandwidth-related information comprises one or more of Quality of Service (QoS) information, bandwidth policing information, bandwidth management information, load balancing information, roaming information, handover information, access point coordination information, switch coordination information, channel capacity information, throughput information, access priority information, packet processing information, and/or queuing information.

EVIDENCE APPENDIX
(37 C.F.R. § 41.37(c)(1)(ix))

- U.S. 6,032,194 (Gai) entered into the Office Action mailed January 24, 2007.
- U.S. Pub. 2002/0085495 (Jefferies) entered into the Office Action mailed December 3, 2008.
- U.S. 6,005,844 (Cook) entered into the Office Action mailed December 3, 2008.

RELATED PROCEEDINGS APPENDIX
(37 C.F.R. § 41.37(c)(1)(x))

The Appellant is unaware of any related appeals or interferences.